

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

KATIE MOULDING,
Plaintiff

v.

UNITED STATES OF AMERICA,
Defendant

C.A. NO.

COMPLAINT AND JURY DEMAND

JURISDICTION

1. This matter is brought pursuant to the Federal Tort Claims Act, 28 U.S.C. §§ 1346 (b) and 2671 et seq.
2. The plaintiff, Katie Moulding, (“the plaintiff”) is an adult individual residing now, and at all times relevant to this Complaint, at 7 Lincoln Hill Terrace, Wareham, Plymouth County, Massachusetts.
3. The plaintiff on or about October 8, 2019 made proper presentment of her claim to the United States Postal Service, (hereinafter “USPS”), within the time for presentment allotted under the Federal Tort Claims Act, 28. U.S.C., Sections 2671-268 for personal injuries and damages caused by the acts or omissions of the United States Postal Service of Wareham, Massachusetts, its agents, servants or employees.
4. The plaintiff’s claim is premised upon the negligence of the United States Postal Service through the actions of individuals employed by USPS of Wareham, Massachusetts, acting within the scope of employment.
5. Pursuant to 28 U.S.C. § 2679(a), the defendant, United States of America, (hereinafter “United States”) is the properly named party.
6. On April 28, 2020 the USPS made a nominal offer of settlement in response to the plaintiff’s claim, as presented in her October 8, 2019 letter, which offer was rejected by the plaintiff.
7. The plaintiff has satisfied all conditions precedent to the bringing of this cause of action.

8. The United States, if acting as a private individual, would be liable to the plaintiff in accordance to the laws of the Commonwealth of Massachusetts.
9. As such, pursuant to 28 U.S.C. § 1346(b)(1) this Honorable Court has jurisdiction over this matter.

**COUNT I
NEGLIGENCE**

10. The plaintiff realleges and repeats each and every allegation contained in paragraphs 1 through 9 and incorporates each as if fully set forth herein.
11. On or about November 17, 2018, and at all times material herein, defendant, United States, through its agency, United States Postal Service ("USPS"), owned and operated a facility located in Wareham, Plymouth County, Massachusetts.
12. On or about November 17, 2018, and at all times material herein, the plaintiff was a jogging on Hathaway Street, a public way, in Wareham, Massachusetts when she was negligently struck by a USPS vehicle, being operated on Hathaway Street by an employee of USPS.
13. On or about November 17, 2018, and at all times material herein, the defendant's employee had an affirmative duty to the plaintiff to use reasonable care in the operation of a USPS vehicle and/or maintain a proper lookout for lawful pedestrians, such as the plaintiff, in the roadway.
14. On or about November 17, 2018, an employee of USPS, breached said duty by negligently and carelessly operating a USPS vehicle and causing said USPS vehicle to strike the plaintiff, who was jogging on Hathaway Street, a public way, in Wareham, Massachusetts.
15. On or about November 17, 2018, as a direct and proximate result of the defendant's negligence as alleged above, the plaintiff was caused to sustain serious personal injuries to her left arm and left shoulder when she was struck by the USPS vehicle being operated by an employee of USPS, in the course and scope of his/her employment for the USPS.
16. At all times material herein, the plaintiff was in the exercise of due care and free of all comparative negligence.
17. The plaintiff's medical bills to date for the medical care and treatment received by her as a result of the November 17, 2018 accident are in excess of \$8,300.00.
18. As a direct and proximate result of the negligence of the defendant, its agents, servants, or employees, the plaintiff was caused to sustain severe and permanent physical injuries, suffered great pain of body and anguish of mind, required extensive hospital and medical care and treatment, was caused to lose and continues to lose time and income from her

employment, and was caused to sustain and continues to sustain an impairment to her ability to enjoy life and attend to her usual activities.

WHEREFORE, the plaintiff prays that Judgment be entered against the defendant in the amount of Eighty-Three Thousand Three Hundred (\$83,300.00) dollars to compensate her for her losses and damages, together with interest and costs and any further relief that this Honorable Court deems meet and just.

THE PLAINTIFF DEMANDS A TRIAL BY JURY

Respectfully submitted,

The Plaintiff,
KATIE MOULDING,
By her Attorney,

A handwritten signature in cursive script, reading "Ralph J. Cafarelli", written in black ink over a horizontal line.

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Dated: June 30, 2020